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A P P R O F E S S I O N A L C O R P O R A T I O N
• L A W O F F I C E S •

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August 20, 2019

Via EPA FOIA Request Online Portal

US Environmental Protection Agency (EPA)
National FOIA Office
1200 Pennsylvania Avenue, NW (2310A)
Washington, DC 20460

Freedom of Information Act Request

Dear Sir or Madam:

Please accept this Freedom of Information Act request for documentation regarding the EPA's announcement through the Office of Chemical Safety and Pollution Prevention, made on August 7, 2019, that the EPA considers the Proposition 65 (hereinafter "Prop 65") warning language based on the chemical glyphosate to constitute a false and misleading statement. We also seek documentation underlying that announcement which were developed through the EPA's current draft glyphosate human health and ecological risk assessments.

The requests below, in part, seek communications between the EPA, specific companies, and/or lobbying groups. The requests are understood to apply to any individual who is an employee, agent, representative, officer, contractor or other representative of entities identified below. Specifically, we request documentation regarding the following as it relates to the above-mentioned EPA statement and assessments:

1. Please provide a roster or other maintained list of EPA¹ scientists who performed an independent evaluation of available data on or concerning glyphosate since the IARC classification of glyphosate as "probably carcinogenic to humans," Group 2A, in March 2015.
2. Please provide copies of any and all communications since September 2015, including attachments or enclosures, between the EPA and the State of California, California's Office of Environmental Health Hazard Assessment (OEHHA), any

¹ "EPA" refers to the U.S. Environmental Protection Agency, headquartered at 1200 Pennsylvania Avenue, N.W., Washington, D.C. 20460, and any and all regional offices, departments, programs or other subdivisions of the agency and the officials, agents and employees thereof.

Prop 65 Authoritative Bodies, or any other State of California official, State Qualified Expert, employee, representative or agent concerning glyphosate.

3. Please provide copies of any and all internal EPA communications since September 2015, including internal memoranda, related to OEHHA's decision to add glyphosate on the state's list of known carcinogens under Proposition 65.
4. Please provide copies of any and all communications since September 2015, including attachments or enclosures, between the EPA and the Joint Glyphosate Task Force (JGTF),² any individual member of the JGTF, CropLife America, Hakluyt & Company, FTI Consulting, Monsanto Company (Monsanto), or Bayer Corp. (Bayer)³ of a glyphosate-based herbicides or insecticides concerning the labeling on a herbicide or insecticide containing glyphosate in order to comply with the OEHHA's listing of glyphosate under Prop. 65.
5. In connection request 4 above, specifically provide copies of any and all communications between Scott Pruitt or Andrew Wheeler and any agent, employee, representative and/or member of the JGTF, CropLife America, Hakluyt & Company, FTI Consulting, Monsanto and/or Bayer since March 2015 concerning any glyphosate-based herbicide, and in particular "Roundup."
6. In connection requests 4 and 5 above, specifically provide copies of any and all communications between any associate, subordinate, assistant or other individual in Mr. Pruitt's or Mr. Wheeler's office or department, or under Mr. Pruitt's or Mr. Wheeler's supervision, and any agent, employee, representative and/or member of the JGTF, CropLife America, Monsanto and/or Bayer since March 2015 concerning any glyphosate-based herbicide, and in particular "Roundup."
7. The foregoing requests 4, 5 and 6 are understood to include any and all communications, whether verbal or written, including but not limited to letters, emails, notes, reports, memoranda, facsimiles and/or any other form of verbal or written communication. Additionally, if any verbal communications were made, demand is hereby made for production of the (i) identity(ies) of the individual(s) with whom Mr. Pruitt or Mr. Wheeler, or any associate, subordinate, assistant or any other individuals under Mr. Pruitt's or Mr. Wheeler's supervision, spoke; (ii) the title and/or position of those individuals; (iii) the employer of those individuals; (iv) the date and time of all such verbal communications; and (v) the substance of all such communications.
8. Please provide copies of any and all communications since September 2015, including attachments or enclosures, between the EPA and the JGTF, CropLife

² The "Joint Glyphosate Task Force" (JGTF) refers to and means a consortium of 20 or more companies, all of whom possess a glyphosate technical registration in the United States or Canada. Its members include Aceto Agricultural Chemicals Corp., Agan Chemical Mfg., Ltd., Agromarketing Co., AgSaver II, LLC, Albaugh LLC, BASF Sparks, Cheminova A/S, Cinmax Internat'l LLC, Consus Chemical, LLC, Dow AgroSciences LLC, Farmway Inc., Gly-Peak, Glysorttech, LLC, Helm Agro US, Inc., MEY Corp., Monsanto Co., NewAgro Inc., Nufarm Ltd., Ragan and Massey, Inc., Repar-Glyho, LLC, Sharda Crop Protection, Syngenta Crops Protection, Inc., Tacoma Ag, Tide Internat'l USA and United Phosphorus, Inc.

³ "Bayer" refers to and means Bayer AG, a German multinational pharmaceutical and life sciences corporation headquartered in Leverkusen, Germany, and its international and U.S. subsidiaries, divisions or departments, including Bayer Corp., Bayer USA and Bayer Crop Science.

America, Hakluyt & Company, FTI Consulting, any individual member of the JGTF, CropLife America, Monsanto or Bayer concerning the amendment, request for amendment or discussion of the amendment of an existing label on any herbicides or insecticides containing glyphosate in order to comply with the OEHHHA's listing of glyphosate under Prop 65.

9. Please provide copies of any and all documents, materials, studies, reports, memoranda, articles, letters, emails, transcripts, data and/or any other material or information submitted by the JGTF, CropLife America, Hakluyt & Company, FTI Consulting, Monsanto Company and/or Bayer in support of the registration and/or re-registration of the glyphosate-containing herbicide, "Roundup."
10. Please provide copies of any and all minutes and/or telephone call/meeting logs involving communications or meetings by the EPA with Monsanto, Bayer, Hakluyt & Company, FTI Consulting, CropLife America and/or members of the JGTF and/or their agents or representatives regarding glyphosate, the listing of glyphosate pursuant to Prop 65 or the possible amendment of any product label due to any such Prop 65 listing.
11. Please provide copies of any and all minutes and/or telephone call/meeting logs involving communications or meetings by the EPA in connection with the EPA's draft glyphosate human health and ecological risk assessments.
12. In connection with requests 7 and 8, please provide copies of any and all visitor logs which identify any employee, agent and/or representative of the JGTF, CropLife America, Hakluyt & Company, FTI Consulting, Monsanto Company and/or Bayer who visited or otherwise contacted the EPA from March 1, 2015 to present.
13. Please provide copies of any and all proposed labels, labeling and/or label changes that the EPA has considered, reviewed, rejected or approved for glyphosate-containing herbicides from March 1, 2015 to present.
14. In connection with request 10, please provide copies of any and all communications or documents between EPA and any employee, agent and/or representative of the JGTF, Hakluyt & Company, FTI Consulting, Monsanto Company, CropLife America and/or Bayer since March 2015.
15. Please provide copies of any and all communications between the EPA and any other federal agencies, including any individual(s) and/or agency(ies) within the Executive Branch, related to OEHHHA's listing of glyphosate under Prop 65.
16. Please provide copies of any and all communications between the EPA and any other federal agencies, including any individual(s) and/or agency(ies) within the Executive Branch, related to Monsanto and/or Bayer, or to support for these companies and/or their Roundup and/or other glyphosate-based formulated products.

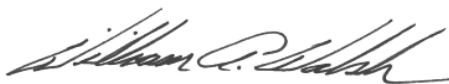
17. Please provide copies of any and all communications, including attachments or enclosures, between the EPA and any employee, agent and/or representative of the JGTF, Monsanto Company and/or Bayer concerning “Roundup” or the surfactants utilized in “Roundup” since March 2015.
18. Please provide copies of any and all internal EPA communications since 2015, including but not limited to internal memoranda, letters, reports, emails, transcripts, analysis or any other type of evaluation related to the EPA’s on-going glyphosate human health and ecological risk assessments.
19. Please provide copies of any and all communications between the EPA and any other federal agencies, including any individual(s) and/or agency(ies) within the Executive Branch, related to glyphosate and/or the EPA’s on-going glyphosate human health and ecological risk assessments.
20. Please provide copies of any and all documents or communications involving EPA personnel concerning the CropLife America-RISE Regulatory Conference and/or CropLife’s “EPA Label Live” sessions at those conferences.
21. Please provide copies of any and all communications between Albaugh, LLC and the EPA regarding whether the addition of a Prop 65 warning to a pesticide label qualifies(ed) as a non-notification/non-amendment action under FIFRA.
22. Please provide copies of any and all opinions issued by the EPA’s office of general counsel as to whether the addition of a Prop 65 warning to a pesticide label qualifies(ed) as a non-notification/non-amendment action.
23. Please provide copies of any and all documents and/or communications involving any EPA personnel, staff, employee, agent and/or representative concerning the November 9 – 11, 2016 CropLife America Annual Board Leader Retreat.
24. Please provide copies of any and all communications since March 2015 concerning glyphosate with members, employees, agents and/or any other individuals associated with the Canadian Pest Management Regulatory Agency, Australian Pesticide and Veterinary Medicines Authority, European Food Safety Authority, European Chemical Agency, German Federal Institute for Occupational Safety and Health, New Zealand Environmental Protection Agency or the Food Safety Commission of Japan.
25. Please provide any other or additional document not captured in the requests above, which relate to the basis of, provided evidence for, or otherwise supports the EPA’s August 7, 2019 statement by Michael L. Goodis, P.E., Director, Registration Division of the Office of Pesticide Programs, regarding label and labeling requirements for products that contain glyphosate.

Please provide us with an estimate of the processing fee; we will be happy to cover any expenses incurred due to our request. I can be reached at Weitz & Luxenberg, P.C., 700 Broadway, New York, NY 10003, and wwalsh@weitzlux.com.

Thank you for your time and consideration.

Very truly yours,

Weitz & Luxenberg, P.C.

A handwritten signature in black ink, appearing to read "William A. Walsh", written over a horizontal line.

William A. Walsh